

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LUKE C. NIEDERBERGER,

Plaintiff,

v.

CHARLES WARREN, *et al.*,

Defendants.

Case No. 23-cv-01728-ESK-AMD

OPINION AND ORDER

Plaintiff Luke C. Niederberger submitted a complaint pursuant to 42 U.S.C. § 1983 on March 27, 2023 (Complaint). (ECF No. 1.) On July 10, 2024, I appointed Katherine Hartman, Esq. of Attorneys Hartman, Chartered to represent plaintiff pursuant to 28 U.S.C. § 1915. (ECF No. 10.)

On July 22, 2024, mail sent to plaintiff at his address of record was returned to the Clerk's Office as undeliverable. (ECF No. 12.) The return sticker stated "Return to Sender. Attempted—Not Known. Unable to Forward." (*Id.*)

On September 5, 2024, counsel filed a letter stating that she has been unable to contact plaintiff by mail. (ECF No. 13.) The return stickers on the letters to plaintiff have the same message that was on the mail returned to the Clerk's Office. (*Id.* p. 2.) Counsel requested assistance in contacting plaintiff, or, alternatively, to be released as counsel. (*Id.* p. 1.)

Plaintiff last provided an address on August 17, 2023. (ECF No. 8.) At that time, plaintiff was proceeding *pro se*, and *pro se* plaintiffs have an obligation to keep the Clerk's Office informed as to their current addresses. L.Civ.R. 10.1(a) ("Counsel and/or unrepresented parties must advise the Court of any change in their ... address within seven days of being apprised of such change by filing a notice of said change with the Clerk."). Plaintiff has not communicated with the Court regarding a change of address. "Failure to file

a notice of address change may result in the imposition of sanctions by the Court.” L.Civ.R. 10.1(a).

I will administratively terminate the Complaint due to plaintiff’s failure to keep the Clerk’s Office informed of his current address. I will also grant counsel’s request to withdraw as counsel.¹

IT IS on this **6th** day of **September 2024** **ORDERED** that:

1. The Clerk shall ADMINISTRATIVELY TERMINATE the Complaint under Local Civil Rule 10.1.
2. Plaintiff may reopen the Complaint by submitting his current address. The Clerk shall REOPEN the Complaint upon receipt of plaintiff’s updated address.
3. Katherine Hartman, Esq. of Attorneys Hartman, Chartered is permitted to withdraw as counsel.
4. The Clerk shall send a copy of this Opinion and Order to plaintiff by regular mail at his last known address.

/s/ Edward S. Kiel
EDWARD S. KIEL
UNITED STATES DISTRICT JUDGE

¹ I thank counsel for her willingness to accept the appointment.